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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/528,586   | 03/21/2005  | Koji Oike            | 2005_0362A          | 8254             |
| 52349  | 7590        | 02/16/2007           | EXAMINER            |                  |
| WENDEROTH, LIND & PONACK L.L.P.<br>2033 K. STREET, NW<br>SUITE 800<br>WASHINGTON, DC 20006 |             |                      | DAVIS, OCTAVIA L    |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2855                |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE   | MAIL DATE   | DELIVERY MODE        |                     |                  |
| 3 MONTHS   | 02/16/2007  | PAPER                |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                           |                  |
|------------------------------|---------------------------|------------------|
| <b>Office Action Summary</b> | Application No.           | Applicant(s)     |
|                              | 10/528,586                | OIKE ET AL.      |
|                              | Examiner<br>Octavia Davis | Art Unit<br>2855 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 November 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 4 -9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 4-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 3/21/05 (Figs. 1-6) is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/11/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 4 – 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Uehira et al (6,880,254).

Regarding claim 1, Uehira et al disclose a torque detector comprising a torsion bar 1c including an input shaft 1, an output shaft 4, a first gear 1a including a gear 7a that is coupled to the input shaft 1, a first detecting section 14 placed at a center of the gear 7a, a second gear 4a including gears that is coupled to the output shaft 4 and a second detecting section 15 placed at a center of the gear 8a (See Col. 3, lines 10 - 50), the first detecting section 14 includes a first magnet 10 and the first detecting element of magnetism confronting the first magnet and the second detecting section 15 includes a second magnet 11 and the second detecting element of magnetism confronting the first magnet (See Col. 3, lines 39 – 50).

Regarding claims 4 and 5, the first and second gears 1a, 4a have the same number of teeth and the gears 7a, 8a have a different number of teeth (See Col. 6, lines 21 – 23, See Fig. 4B) and an absolute rotation angle is calculated from a difference between respective absolute angles of the

gears (See Col. 5, lines 1 – 7) and a torque is calculated from a difference between an absolute rotation angle of gear 7a and that of gear 8a multiplied by the teeth ratio of the gears (See Col. 5, lines 8 - 16).

Regarding claims 6 and 7, absolute rotation angles and correction angles are stored in advance in a nonvolatile memory and are used for calculating absolute rotation angles and torque (See Col. 9, lines 5 – 23 and Col. 10, lines 40 – 42), the CPU 29 computes the torque from the differences between the outputs (See Col. 9, lines 8 – 17) and the memory 33 is programmable and is provided with the outputs and calculated values.

Regarding claims 8 and 9, the detector gives a warning when a difference exceeds a predetermined allowance being a physically improbable output or an unusual amount of torque (See Col. 10, lines 59 – 67).

#### *Response to Arguments*

3. Applicant's arguments with respect to these claims have been considered but are moot in view of the new grounds of rejection.

#### *Conclusion*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Octavia Davis whose telephone number is 571-272-2176. The examiner can normally be reached on Mon through Thurs from 9 to 5. The examiner can also be reached on alternate Fridays.

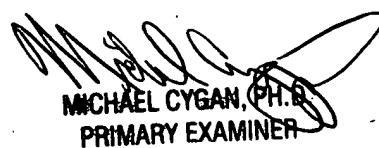
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



OD/2855

2/12/07



MICHAEL CYGAN, P.H.N.  
PRIMARY EXAMINER